



Resolution

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FOI_5128

The following information was requested on 24th July 2021:

We have been asked to put together a comparator of our data against other equivalent Trusts in relation to maternity-based CNST claims. We would be very grateful if you could assist with collating the appropriate data in spreadsheet form – and if you are able to generate the graphs I would be eternally grateful as I'm terrible at it.

The Trusts that we would consider to be an appropriate equivalent for these purposes would be:

- *Chesterfield Royal*
- *Lincoln*
- *Kettering*
- *Northampton*
- *Doncaster & Bassetlaw*

The search terms for the data requested would be:

- *“Maternity” claims – by this we mean clinical negligence claims arising out of the management of a pregnancy (including labour and delivery) that resulted in the death of, or injury to, the mother or child. We understand that the NHSR category of “obstetrics” would be appropriate but would welcome any suggestions you may have.*
- *Claims – by this we mean all claims except those with a Claim Status Type of “Closed – Nil Damages”.*
- *“Last 10 years” – by this we mean claims where the incident date falls into the range from 01/01/2011 to present.*

We would be particularly interested if you could either provide, or ensure you are providing the data for us to generate, the following comparison graphs, using the five Trusts above as comparators:

- *Maternity claims by incident date over the period 2011-2021*
- *Maternity claims by incident date over the period 2011-2021, broken down by damages - by this we mean total damages or capitalised damages in the case of structured settlements (excluding costs) if settled, or damage reserve (excluding costs) is:*
 - (i) *=< £50,000*
 - (ii) *£50,000 && =< £100,000*
 - (iii) *£100,000 && =< £250,000*
 - (iv) *£250,000 && =< £500,000*
 - (v) *£500,000 && =< £1,000,000*
 - (vi) *£1,000,000 && =< £5,000,000*

- (vii) £5,000,000 && =< £10,000,000
- (viii) £10,000,000 or greater

Our Response

Thank you for your request for information. Please find attached the requested information.

Please note claims notified/received and open are not guaranteed to be settled in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Many of the claims notified will have been repudiated and settled without damages paid.

We have suppressed low figures and we are unable to provide you with information about individual claims as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) of the FOI Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals identities', as disclosure could potentially cause damage and/or distress to those involved. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Corporate and Information Governance for NHS Resolution, within 28 days of your

receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

[Table 1: Number of Claims received with an incident date between financial years 2011/12 to 2020/21 where the primary specialty is Obstetrics.](#)

[Table 2: Number of claims with an incident date between 2011/12 to 2020/21 where the primary specialty was Obstetrics closed with a damages payment\(includes the damages paid to date for any claims settled on a periodical payment order basis\)](#)

Table 1: Number of Claims received with an incident date between financial years 2011/12 to 2020/21 where the primary specialty is Obstetrics.

Notifications Scheme	(All) CNST
Incident year	No. of Claims
2011/12	
Chesterfield Royal Hospital NHS Foundation Trust	5
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	8
Kettering General Hospital NHS Foundation Trust	8
Northampton General Hospital NHS Trust	7
Sherwood Forest Hospitals NHS Foundation Trust	6
2012/13	
Chesterfield Royal Hospital NHS Foundation Trust	6
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	6
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	7
Sherwood Forest Hospitals NHS Foundation Trust	7
2013/14	
Chesterfield Royal Hospital NHS Foundation Trust	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	7
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	6
Sherwood Forest Hospitals NHS Foundation Trust	8
2014/15	
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	11
Kettering General Hospital NHS Foundation Trust	6
Northampton General Hospital NHS Trust	5
Sherwood Forest Hospitals NHS Foundation Trust	#
2015/16	
Chesterfield Royal Hospital NHS Foundation Trust	6
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	8
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	7
Sherwood Forest Hospitals NHS Foundation Trust	5
2016/17	
Chesterfield Royal Hospital NHS Foundation Trust	8
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	6
Kettering General Hospital NHS Foundation Trust	5
Northampton General Hospital NHS Trust	#
Sherwood Forest Hospitals NHS Foundation Trust	7
2017/18	
Chesterfield Royal Hospital NHS Foundation Trust	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	6
Sherwood Forest Hospitals NHS Foundation Trust	#
2018/19	
Chesterfield Royal Hospital NHS Foundation Trust	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	#
2019/20	
Chesterfield Royal Hospital NHS Foundation Trust	9
Kettering General Hospital NHS Foundation Trust	#
Northampton General Hospital NHS Trust	#
Sherwood Forest Hospitals NHS Foundation Trust	#
2020/21	
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#
Northampton General Hospital NHS Trust	#
Sherwood Forest Hospitals NHS Foundation Trust	#
Grand Total	225

Table 2: Number of claims with an incident date between 2011/12 to 2020/21 where the primary specialty was Obstetrics closed with a damages payment(includes the damages paid to date for any claims settled on a periodical payment order basis)

Closed_Settled	Y
Scheme	CNST
Claim_Outcome_FOI	Damages Paid
Notifications	(All)

Incident year	No. of Claims	Damages Paid	NHS Legal Costs Paid	Claimant Legal Costs	Total Paid
2011/12					
Chesterfield Royal Hospital NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	5	134,352	64,775	347,100	546,227
Kettering General Hospital NHS Foundation Trust	5	5,614,932	232,069	643,186	6,490,187
Northampton General Hospital NHS Trust	6	611,556	38,863	412,268	1,062,686
Sherwood Forest Hospitals NHS Foundation Trust	5	5,417,088	108,202	868,205	6,393,495
2012/13					
Chesterfield Royal Hospital NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	5	297,509	74,050	292,736	664,296
2013/14					
Chesterfield Royal Hospital NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	5	84,000	31,160	175,000	290,160
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	#	#	#	#	#
2014/15					
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	6	140,500	19,868	147,222	307,590
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
2015/16					
Chesterfield Royal Hospital NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	#	#	#	#	#
2016/17					
Chesterfield Royal Hospital NHS Foundation Trust	#	#	#	#	#
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	#	#	#	#	#
2017/18					
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
Northampton General Hospital NHS Trust	#	#	#	#	#
Sherwood Forest Hospitals NHS Foundation Trust	#	#	#	#	#
2018/19					
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust	#	#	#	#	#
Kettering General Hospital NHS Foundation Trust	#	#	#	#	#
2019/20					
Northampton General Hospital NHS Trust	#	#	#	#	#
Grand Total	96	18,072,517	1,027,590	5,141,870	24,241,977